

DETAILED ACTION

1. The examiner acknowledges receipt of request for extension of time, request for continued examination under 37 CFR 1.114 and amendment filed 06/01/2010. Claims 28, 34 and 43 are amended.

2. Claims 28, 29, 33-39 and 41-43 are pending. Claims 33, 36, 38 and 39 are withdrawn from consideration.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/1/2010 has been entered.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 28, 29, 34, 35, 37, 41-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 28, 34 and 43 are amended. The amendment states that in formula ID, "Z if present is ..." But Z is present at all times in ID so that recitation of the "if" implying that "Z" is present sometimes and absent at other times makes the claims ambiguous and unclear.
7. The recitation of "unencapsulated material" in claim 28, "dispersed material" in claim 34 and "wall-forming material" in claim 43 is unclear. The scope of the "material" in these phrases is not defined and as such the boundaries of protection sought is indefinite.
8. The recitation in claims 28, 34 and 43 that cyclic anhydride is formed between Z and X is not clear since it is unclear to the examiner how, for example a quaternary ammonium would form a cyclic anhydride with X being hydroxyl, thiol, NHA.
9. Clarification/explanation is respectfully requested.
10. No claims is allowed.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLESSING M. FUBARA whose telephone number is (571)272-0594. The examiner can normally be reached on Monday to Thursday from 7 a.m. to 5:30 p.m.
12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blessing M. Fubara/
Primary Examiner, Art Unit 1613